

TOWN OF BEVENT, MARATHON COUNTY, WISCONSIN
ORDINANCE NO. 2.03-25 ENTITLED
“SOLAR ENERGY SYSTEMS SITING”

The Town Board of the Town of Bevent, Marathon County, Wisconsin, do ordain as follows:

SECTION 1: “Solar Energy System Siting Ordinance”, of the Town of Bevent is hereby created to provide as follows:

(1) **Purpose and intent:** The purpose of this Chapter is to adopt and incorporate the requirements and standards of Wis. Stats. §§ 66.0401 and 66.0403, to regulate Solar Energy Systems to produce electricity and/or conversion of energy for uses on-site as well as those systems which produce electricity for off-site use and distribution. The regulations of this section have been established to ensure Solar Energy Systems are sited, constructed, maintained, and decommissioned in a manner that maximizes utilization of the Town of Bevent's solar energy resources, health, safety, and welfare of the community.

(a) No Solar Energy System shall be erected, enlarged, or extended without conformance to the provisions of this section and other applicable regulations, as evidenced by the issuance of a permit by the Zoning Administrator and/or, where required, a permit approved by the Town of Bevent Plan Commission and Town Board.

(b) All applications regulated by this section may be subject to additional conditions and restrictions consistent with but no more restrictive than those in Wis. Stat. § 66.0401(1M). Where such conditions are considered and applied on a case-by-case basis; as well as satisfy one of the following:

1. Serves to preserve or protect the public health or safety.
2. Does not significantly increase the cost of the system or significantly decrease its efficiency.
3. Allows for an alternative system of comparable cost and efficiency.

(2) **Definitions.**

(a) Building-Integrated Solar Energy System means a Solar Energy System that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water Solar Energy Systems that are contained within roofing materials, windows, skylights, and awnings.

(b) Collector Surface means any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. "Collector surface" does not include frames, supports, and mounting hardware.

(c) Commercial Use Solar Energy System means any use/purpose of the Solar Energy System is to convert solar energy into electricity, which is to be used, distributed, or sold off-site. These uses may be deemed to be accessory to an existing residential, commercial, or agricultural use but are subject to all the standards, requirements, and processes set forth in this Ordinance.

(d) Ground-mount means a Solar Energy System mounted on a rack or pole that rests or is attached to the ground. Ground-mount systems can be used for either private or commercial uses.

(e) Passive Solar Energy System means a Solar Energy System that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

(f) Photovoltaic System means A Solar Energy System that converts solar energy directly into electricity.

(g) Private Use Solar Energy System means the primary purpose of the Solar Energy System is to convert solar energy into electricity, which is to be used and/or stored onsite. The Solar Energy System must be accessory to an existing residential, commercial, industrial, or agricultural use and is subject to all the standards, requirements, and processes set forth in this Ordinance.

(h) Renewable Energy Easement or Solar Energy Easement means an easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land, consistent with Wis. Stat. § 700.35.

(i) Roof-Mount means a Solar Energy System mounted on a rack that is fastened to or ballasted on a building roof. Roof-mount systems are accessories to the principal use.

(j) Solar Access means an unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a Solar Energy System.

(k) Solar Collector means a device, structure, or part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

(l) Solar Collector Surface means any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. The collector's surface does not include frames, supports, and mounting hardware.

(m) Solar Daylighting means a device specifically designed to capture and redirect the visible portion of the solar spectrum, while controlling the infrared portion, for use in illuminating interior building spaces in lieu of artificial lighting.

(n) Solar Energy means a radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

(o) Solar Energy System means a device, array of devices, or structural design feature, which has the primary purpose of harvesting energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

(p) Solar Heat Exchanger means a component of a solar energy device that is used to transfer heat from one substance to another, either liquid or gas.

(q) Solar Hot Air System (also referred to as Solar Air Heat or Solar Furnace) means a Solar Energy System that includes a solar collector to provide direct supplemental space heating by heating and recirculating conditioned building air. The most efficient performance typically uses a vertically mounted collector on a south-facing wall.

(r) Solar Hot Water System (also referred to as Solar Thermal) means a system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

(s) Solar Mounting Devices means the racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.

(t) Solar Resource means a view of the sun from a specific point on a lot or building that is not obscured by any vegetation, building, or object for a minimum of four hours between the hours of 9:00 AM and 3:00 PM Standard time on all days of the year.

(u) Solar Storage Unit means a component of a solar energy device that is used to store solar-generated electricity or heat for later use.

(3) Permit Required and Application.

(a) No person may install, construct, modify, or expand a Solar Energy System without first obtaining a Solar Energy System Permit from the Zoning Administrator. The Owner shall pay an application review fee, which is applied to the cost of reviewing the application. The Owner shall pay a separate permit fee before any permit is issued. All fees shall, from time to time, be set by the Town Board.

(b) A solar energy system permit is not required for the following:

1. For private, residential use, solar energy systems that consist of solar collectors mounted to buildings, provided the collectors do not extend more than twenty-four (24) inches from the original exterior perimeter of the building on which the collectors are mounted or built.

2. For minor alterations involving ordinary maintenance and repair of the system.

(c) A Solar Energy System Permit issued by the Town Zoning Administrator expires if construction of the solar energy system is not commenced within eighteen (18) months from the date the permit is issued.

(d) The Town hereby adopts the permit requirement and processes set forth in Wis. Stat. § 66.0401(4) and Wis. Stat. § 66.0403(3)-(11).

(4) Application Submittal

(a) The Owner shall file a completed application for a permit with the Zoning Administrator, along with the applicable application fee as set from time to time by the Town Board. The Owner shall use the Town-provided application form. The Town may require the owner to pay additional fees/costs (i.e., outside attorneys, engineers, environmental specialists, planners, and other consultants and experts) to cover actual and necessary fees/costs to review and process the application.

(b) The application for a permit shall contain the following information at a minimum:

1. Name, address, and phone number of all persons having an ownership interest in the property where the solar energy system is intended to be installed;
2. Name, address, and phone number of the applicant;
3. The location, total size, and parcel identification number of the lot or lots, including a legal description;
4. Relative location of any and all nearby public and private streets;
5. The existing and intended use of the lot or lots;
6. A site plan (which shall be required to be drawn to scale horizontally and vertically) shall include the following:
 - i. The dimensions and configuration of the lot;
 - ii. Proposed setback distances to side and rear property lines, roads (either right-of-way lines or centerlines), septic system components, access easements, and unique site features such as wetlands and waterways;

- iii. The location of all existing, temporary, and proposed building(s) or structure(s);
 - iv. The location of all existing public and/or private streets abutting the lot;
 - v. Existing and/or proposed private onsite wastewater treatment system(s);
 - vi. Open space(s) and parking area(s);
7. All projects/developments within the shoreland, wetland, and/or floodplain areas shall adhere to all applicable site plan standards and requirements of county shoreland-wetland and floodplain zoning; and
8. Any applicable easements (access, utility, etc.).
- (c) Approximate/estimated value of the development, construction, or project;
 - (d) On residential parcels, the number of dwelling units contained within each building and the proposed number of bedrooms;
 - (e) Location and dimensions of all buildings or structures to be erected, structurally altered, or moved; and
 - (f) Such other information concerning the lot or adjacent lots as may be necessary, as determined by the Town, to determine conformance with this ordinance.
 - (g) The Owner shall submit the number of copies of the application as determined by the Town and a letter of intent to the clerk of each adjoining political subdivision.

(5) Application Review.

- (a) An application is complete if it complies with the filing requirements of this ordinance and payment of all application fees and costs.
- (b) The Town shall determine the completeness of an application and shall notify the owner in writing of the completeness determination no later than forty-five (45) days after the day the application is filed.
- (c) If the Town determines that the application is incomplete, the owner shall provide additional information requested, and an additional forty-five (45) day completeness review period will begin the day after the Town receives responses to all required items identified in the notice.
- (d) If the owner fails to provide additional information specified in the notice of an incomplete application within ninety (90) days from the date of the written notice, the

application will be deemed abandoned and the forfeiture of any application fee and/or costs.

(e) If the Town does not make a completeness determination within the applicable review period as set forth above, the application is considered to be complete.

(f) The Town shall have ninety (90) days from the date that it notifies the owner that the application is complete in which to approve or disapprove the application. The time for approval may be extended by the Town depending on the complexity of the proposed system.

(g) The owner shall record a copy of a written decision approving an application with the Marathon County Register of Deeds within thirty (30) days of the written decision date for all applicable property as stated in Wis. Stat. § 66.0403(6)(a). If the owner does not timely record such decision, the Town shall record the decision at the owner's expense.

(h) The Town shall post in a conspicuous place on the property for which a permit is issued attesting to the fact that activity has been permitted pursuant to the provisions of this ordinance and the permit itself.

(6) Application and Permit Conditions.

(a) Unless otherwise stated, any condition or requirement set forth in this ordinance is a condition for approval of an application and permit for a solar energy system (for private or commercial use).

(b) An owner shall submit a copy of all necessary state and federal permits and approvals to the Town.

(c) All applications and permits regulated by this ordinance may be subject to additional conditions and restrictions as determined by the Town that are consistent with but not more restrictive than those set forth in Wis. Stat. 66.0401(1m). Where such conditions are considered and applied on a case-by-case basis, the condition or restriction shall satisfy one of the following:

1. Serves to preserve or protect the public health or safety.
2. Does not significantly increase the cost of the system or significantly decrease its efficiency.
3. Allows for an alternative system of comparable cost and efficiency.

(7) Private Use Solar Energy Systems. Unless otherwise stated, any conditions or requirements set forth in this section are conditions for approval of an application and permit for a solar energy system for private use only. Private Solar Energy systems shall meet the following requirements:

(a) **Permitted:** Private Use Solar Energy Systems shall be permitted with a permit, subject to the requirements, standards, and processes set forth in this Ordinance.

(b) **Height:** Solar Energy Systems shall meet the following height requirements:

1. Building or Roof-mounted solar Energy Systems shall not exceed the maximum allowed height in any zoning district unless the system protrudes less than one foot from the surface from which it is directly attached.
2. Ground or Pole-mounted Solar Energy Systems shall not exceed 20 feet in height when oriented at maximum tilt.

(c) **Setbacks:** Solar Energy Systems shall comply with the following setback requirements:

1. **Roof or Building-Mounted Solar Energy Systems:** Roof or Building-Mounted Solar Energy Systems located on a principal or accessory structure shall adhere to the applicable zoning district setbacks for principal or accessory structures. In addition to the building setback, the collector surface and mounting device for roof-mounted Solar Energy Systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built, unless the collector and mounting system have been explicitly engineered to safely extend beyond the edge, and setback standards are not violated. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure. Solar collectors mounted on the sides of buildings and serving as awnings are considered to be Building-Integrated Solar Energy Systems.
2. **Ground Mounted Solar Energy Systems:** Ground Mounted Solar Energy Systems shall meet the accessory structure setbacks for the zoning district in which the system is located and may not extend into the required setbacks when oriented at minimum design tilt.

(d) **Visibility:** Solar Energy Systems shall be designed to blend into the architecture of the building to which it is installed or the surrounding landscape, to the extent possible, such that this section does not diminish solar production or increase costs, consistent with Wis. Stat. § 66.0401.

1. **Building Integrated Photovoltaic Systems:** Building Integrated Photovoltaic Solar Energy Systems shall be permitted, provided the building component in which the system is integrated meets all required zoning district setbacks in which the building is located and complies with local and State building code requirements.

2. **Roof-Mounted Solar Energy Systems:** Solar Energy Systems that are flush-mounted on pitched roofs shall be blended with the building architecture. Non-flush-mounted pitched roof systems shall not be higher than the roof peak, and the collector shall face the same direction as the roof on which it is mounted, to minimize wind loading and structural risks to the roof.
3. **Reflectors:** All Solar Energy Systems using a reflector to enhance solar production shall minimize reflected light from the reflector affecting adjacent or nearby properties. Measures to minimize reflected light include selective placement of the system, screening on the north side of the solar array, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit reflected light.

(e) **Coverage:** Roof or Building-Mounted Solar Energy Systems, excluding Building-Integrated Systems, shall allow for adequate roof access for fire-fighting purposes to the south-facing or flat roof upon which the panels are mounted.

(f) **Plan Approval Required:** All Solar Energy Systems shall require approval by the Town Board.

1. **Plan Applications:** Plan applications for Solar Energy Systems shall be accompanied by two-scale horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system, including the property lines.
2. **For All Roof-Mounted Systems Other Than a Flat Roof:** the elevation drawing(s) must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.
3. **For Flat Roof Applications:** A drawing shall be submitted showing the following, in addition to all applicable requirements set forth in this Ordinance.
 - i. The distance to the roof edge and any parapets on the building, and shall identify the height of the building on the street frontage side.
 - ii. The proposed distance to property lines, rights-of-way, and/or easements.
 - iii. The highest finished height of the solar collector, as well as the finished surface of the roof.

(g) **Approved Solar Components:** Electric Solar Energy System components must have an Underwriters Laboratories, or equivalent listing, and solar hot water systems must have a Solar Rating and Certification Corporation rating.

(h) **Compliance with Building Code:** All Solar Energy Systems shall comply with the Town and State Building Code, solar thermal systems shall comply with HVAC-related

requirements of the State Building Energy Code, and all photovoltaic systems shall comply with the State Electric Code.

(i) **Structural Integrity:** All building-mounted integrated Solar Energy Systems shall only be permitted if it is determined that the additional weight, infrastructure, and/or modifications will not compromise the structural integrity of the building.

(j) **Compliance with State Plumbing Code:** Solar thermal systems shall comply with applicable Wisconsin State Plumbing Code requirements.

(k) **Utility Notification:** All grid-intertied Solar Energy Systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.

(8) **Commercial Use Solar Energy System, Permit, Application, And Filing Requirements.** Unless otherwise stated, any condition or requirement set forth in this section is a condition for approval of an application and permit for a solar energy system for commercial use only. Commercial Solar Energy Systems shall meet the following requirements:

(a) **Application Requirements.** In addition to the application requirements stated above, the system application shall also include the following:

1. Indicate the proposed ingress and egress from any public highway to the Solar Energy system.
2. The Solar Energy System's proximity to transmission lines to link the system to the electric power grid.
3. Nature of land use on adjacent and nearby properties.
4. Proximity of system to neighboring residential structures.
5. Solar energy systems shall meet setbacks for applicable zoning regulations that may apply where the system is located.

(b) Solar energy systems shall meet setbacks for applicable zoning regulations that may apply where the system is located.

(c) Solar energy systems installed directly into the ground or on a pole shall not exceed fifteen (15) feet in height when oriented at maximum tilt.

(d) Solar energy systems (excluding power and communication lines from the solar energy system to the electric power grid) shall be enclosed by a fence with controlled access.

(e) Solar energy systems shall be subject to and comply with the Wisconsin DNR stormwater management, erosion, sediment control provisions, as well as NPDES permit requirements. An owner shall utilize all applicable best practices in the placement, construction, operation, and maintenance of its solar energy facilities in order to minimize soil compaction, protect the topsoil, prevent topsoil mixing, and avoid and repair any damage to drainage systems on agricultural land.

(f) The following provisions shall be met related to the clearing of existing vegetation and establishment of vegetated ground cover. Additional requirements and standards may apply as required by the Town Zoning Administrator.

1. Large-scale removal of trees will require a Town-approved mitigation plan.
2. The topsoil shall not be removed during development unless approved by the Town.
3. If top soil is removed, it must be stockpiled and remain on site for site reclamation. Top soil removal will require an issuance of a Marathon County Nonmetallic Mine Permit. This permit will require obtaining financial assurance for the disturbed acreage and will be subject to annual fees for that acreage.
4. Seed mixes and maintenance practices shall be consistent with those recommendations made by the Town and/or Wisconsin DNR
5. The applicant shall submit a financial guarantee in the form of a letter of credit, cash deposit, or bond in favor of the Town equal to one hundred twenty-five (125) percent of the costs to meet the ground cover and buffer area standard. The financial guarantee shall remain in effect until vegetation is sufficiently established.
6. Foundations: A qualified engineer shall certify that the foundation and design of the solar panels, racking, and support are within accepted professional standards, given local soil and climate conditions.
7. Other Standards and Codes: All Commercial Use Solar Energy Systems shall comply with all applicable local, state, and federal regulatory codes, including the State of Wisconsin Uniform Building Code, as amended, and the National Electric Code, as amended.
8. Power and Communication Lines: Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by the Town Board in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines, or distance makes undergrounding infeasible.

9. Site Plan Required: A detailed site plan for both existing and proposed conditions must be submitted, showing the location of all solar arrays, other structures, property lines, rights-of-way, service roads, floodplains, wetlands, and other protected natural resources, topography, electric equipment, screening features, and all other characteristics requested by the Zoning Administrator. The site plan should also show all zoning districts and overlay districts.

10. Agricultural Protection: Commercial use Solar Energy System must comply with site assessment or soil identification standards that are intended to protect agricultural soil.

(g) An owner shall, on or before January 31 of each year, file an annual report with the Town documenting the operation and maintenance of the solar energy system during the previous calendar year.

(h) An owner shall establish and maintain a liaison with the Town within which its solar energy systems facilities are located and with fire, police, and other appropriate first responders serving the area in which the solar energy systems facilities are located and create and implement effective emergency plans with such personnel.

1. An owner shall distribute a copy of its emergency plans to the following:

i. Marathon County Emergency Management, Attn: Emergency Management Director, 1000 Lake View Dr, Wausau, WI 54403

ii. Marathon County Sheriff's Office, Attn: County Sheriff, 500 Forest Street, Wausau, WI 54403

iii. Clerk for any city, town, or village within which its solar energy systems facilities are located or that is within one-half mile of any of its solar energy systems facilities.

iv. Any fire, police, or other first responder identified by the county's emergency management director or the clerk of any city, town, or village who has received a copy of the owner's emergency plans as set forth above.

v. Hatley Area Fire Chief and Ambulance Chief, P.O. Box 111, Hatley, WI 54440.

vi. Town of Bevent First Responder Service Director.

2. An owner shall, within thirty (30) days of consulting with any federal or state agency about the construction, operation, or decommissioning of the solar

energy system, provide the Town with information about the reason for the consultation.

3. An owner shall provide the Town with notice of any change in ownership of the solar energy system on or before the effective date of the change. A notice of change in ownership of the solar energy system shall include information showing that the financial assurance requirements set forth in this ordinance will be met following the change in ownership.
4. An owner shall submit a copy of all necessary state and federal permits and approvals to the Town within thirty (30) days of the owner's receipt of any permit or approval that was not provided with the owner's application.
5. An owner, at the owner's sole expense, shall maintain and provide the Town each month a maintenance log for the solar energy system. The log must contain the following information regarding any maintenance performed: 1) date and time maintenance was performed; 2) nature of the maintenance performed; and 3) reason(s) for the maintenance. The Town may retain such consultants or experts as it deems necessary to assess and determine whether the solar energy system facilities are compliant and/or to assess whether the solar energy system facilities are being maintained in good repair and operating condition. An owner shall pay for all costs incurred by the town in connection with monitoring compliance during construction and assessing when solar energy facilities are maintained in good repair and operating condition.
6. Within ninety (90) days of the date a solar energy system commences operation, the owner shall file with the Town an as-built description of the solar energy system, an accurate map of the solar energy system showing the location of all solar energy system facilities, including unique identification for each system component; geographic information; system information showing the location of all system facilities including the location of power and communication lines from the solar energy system to the electric power grid; and current information identifying the owner of the energy system.
7. Decommissioning: The system application shall include a decommissioning plan to ensure the solar energy system is properly removed after its useful life, as well as sufficient financial assurance for decommissioning in an amount to cover the actual and necessary costs to decommission the solar energy system. The Town Board may require the posting of a bond, letter of credit, or the establishment of an escrow account to ensure proper decommissioning.
 - i. Decommissioning of solar energy systems must occur in the event they are not in use for twelve (12) consecutive months. Decommissioning shall be completed within 180 days after the end of useful life or as determined by the Town. The plan shall include provisions for removal and disposal of all structures, foundations, storage, and hazardous materials; restoration of soil

and vegetation; and a plan ensuring financial resources will be available to fully decommission the system. All structures/facilities and/or foundations shall be disposed of at a licensed solid waste disposal facility and/or otherwise in a manner consistent with federal, state, and local regulations.

- ii. If the owner fails to remove a solar energy system and reclaim the site, the Town may remove or cause the removal of the solar energy system and the reclamation of the site. The Town may recover the cost of removal and reclamation from any financial assurance provided by the owner. Any removal or reclamation cost incurred by the Town that is not recovered from the owner may be collected by any lawful means.
- iii. An owner shall file a notice of decommissioning completion with the Town and any political subdivision within which its solar energy systems facilities are located when a system approved by the Town has been decommissioned and removed.
- iv. The Town shall conduct a decommissioning review to determine whether the system has reached the end of its useful life, whether the owner has decommissioned and removed the system, and whether the owner has complied with its site restoration obligation.
- v. The owner shall cooperate with the Town by participating in the decommissioning review process.

(9) Application approval and permit issuance.

(a) Commercial Use Approval Process: The Planning Commission shall recommend to the Town Board whether to approve or deny the Commercial Use Solar Energy System permit after a public hearing.

(b) Commercial Issuance Process: The Town Board shall issue the permit and grant the permit if it is determined that the Solar Energy System application and proposal conform to the requirements of this Ordinance, all applicable standards of this Ordinance, and meet or will meet any additional conditions placed on the permit by the Planning Commission or Town Board.

(c) Private Use Approval Process: All Private Use Solar Energy Systems are subject to administrative review and approval of the permit based on the standards and conditions of this Ordinance.

(10) Appeals. Any person aggrieved by a determination by the Town under this Ordinance may appeal the determination to the circuit court for a review pursuant to Wis. Stat. § 66.0403(8).

(11) Violations

(a) No person or entity shall do any of the following:

1. Violate any provision of this ordinance;
2. Knowingly provide false information; make a false statement; and/or fail to provide or misrepresent any material fact to the Town, Town employee, agent, or Town governing body; and/or
3. Disobey, fail, neglect, resist, or refuse to comply with a permit or order issued pursuant to this ordinance.
4. A separate offense is deemed committed on each day that a violation occurs or continues.

(12) Enforcement

(a) The Town shall enforce this ordinance and may conduct inspections and investigate complaints relating to compliance with this ordinance.

(b) The Town may request permission to inspect, at a reasonable time and date, any premises or structure for which is subject to a permit or order to determine compliance with this ordinance. Refusal to grant permission is grounds for denial or revocation of a permit. If permission is not given, the Town may apply for, obtain, and execute a special inspection warrant pursuant to Wis. Stat. § 66.0119.

(c) If the Town determines a violation of any provision of this ordinance has occurred, the Town may issue a written notice stating the conditions of non-compliance, specifying the action required to come into compliance, and specifying a reasonable amount of time when compliance is required.

(d) The Town may revoke a permit for substantial noncompliance with any provision of this ordinance, refusal to permit inspection of solar energy systems facilities for which a permit has been granted, or failure to comply with the action required contained in a notice of noncompliance.

(e) Any person or entity that violates this ordinance may be subject to any of the following:

1. Issuance of a citation; or
2. Commencement of legal action, including, but not limited to, issuance of a summons and complaint and/or seeking injunctive relief.

(f) A separate offense is deemed committed on each day that a violation occurs or continues.

(g) The Town is not required to issue a notice of noncompliance or take any other action prior to enforcing violations of this ordinance as set forth above.

(h) Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude enforcement under this ordinance.

(13) Penalties

(a) A person or entity that violates this ordinance is subject to a forfeiture of not less than \$500 and not more than \$10,000 for each violation, plus court costs.

(b) The forfeiture thresholds set forth above are doubled for repeated violations of this ordinance that occur within any twelve (12) month period.

Section 2: If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is found invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the provisions or application of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.

Section 3: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 4: This Ordinance shall be in full force and effect from and after its date of passage and publication as required by law.

Adopted this 25 day of Sept, 2025.

TOWN OF BEVENT

By: Perry Cebula
Perry Cebula, Chairman

ATTEST:

By: Anne Mieska
Anne Mieska, Clerk

Adopted: 9-25-25
Published: 10-8-25